

MONDAY, JUNE 12, 2000

EIGHTY-NINTH LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Armstrong.

Representative Armstrong led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Fitzhugh; personal reasons.

Representative McDonald; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 715: Rep(s). Todd as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Whitson, Ford, Hargrove and Kisber was/were removed as sponsor(s) of **House Bill No. 3364**.

MESSAGE FROM THE SENATE
June 10, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3337 and 3344; passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Bill No. 3337 -- Montgomery County - Subject to local approval, enacts "Montgomery County Adequate Facilities Tax.". by *Kurita. (HB3355 by *Head, *McMillan)

Senate Bill No. 3344 -- Dickson - Subject to local approval, rewrites charter. Amends Chapter 274 of the Private Acts of 1925. by *Springer, J. (HB3361 by *Jackson)

MESSAGE FROM THE SENATE
June 10, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 951 and 952; adopted for concurrence.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Joint Resolution No. 951 -- Memorials, Academic Achievement - Laina Barker, 2000 Valedictorian, Obion Central High School. by *Herron.

Senate Joint Resolution No. 952 -- Memorials, Academic Achievement - Ana Anderson, Salutatorian, Obion County Central High School. by *Herron.

MESSAGE FROM THE SENATE
June 10, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2862; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE
June 10, 2000

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2598.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2123.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1.

The Speaker appointed a Conference Committee composed of Senators Cooper, Clabough and Burchett to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 2123.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2319; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2045.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 98, 104, 394, 1614, 2345, 2485, 2747, 2766, 3106 and 3172; for the signature of the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

SIGNED

June 10, 2000

The Speaker signed the following: Senate Bill(s) No(s). 98, 104, 394, 1614, 2345, 2485, 2747, 2766, 3106 and 3172.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 836, 837, 838, 841, 842, 843, 845 and 846; all concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to return to the House, House Bill No. 2171.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1 and 2, withdrew Amendment No. 1 and 2, then repassed the bill on third and final consideration.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1326.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2019.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 3.

The Speaker appointed a Conference Committee composed of Senators Haynes, Crutchfield and Burchett to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 2019.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1059.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to return to the House, House Bill No. 2854.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 7, then repassed the bill on third and final consideration, as amended.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 10, 2000

MR. SPEAKER: I am directed to return to the House, House Bill No. 2855.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 4, then repassed the bill on third and final consideration, as amended.

RUSSELL HUMPHREY, Acting Chief Clerk.

ENROLLED BILLS

June 12, 2000

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 589, 831, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 845, 846; also, House Resolution(s) No(s). 281 and 283.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

June 12, 2000

The Speaker signed the following: House Joint Resolution(s) No(s). 589, 831, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 845, 846; also, House Resolution(s) No(s). 281 and 283.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 12, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 589, 831, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 845, 846; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

June 12, 2000

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 589, 831, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 845, 846.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 12, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 953; adopted for concurrence.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Joint Resolution No. 953 -- Memorials, Personal Occasion - Lena Plunkett Kestner, 101st birthday. by *Burks.

RESOLUTIONS

June 10, 2000

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 12, 2000:

House Joint Resolution No. 848 -- Memorials, Personal Occasion - Walter and Alzee Goins, 50th anniversary. by *Goins.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

June 10, 2000

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 12, 2000:

Senate Joint Resolution No. 951 -- Memorials, Academic Achievement - Laina Barker, 2000 Valedictorian, Obion Central High School. by *Herron.

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Senate Joint Resolution No. 952 -- Memorials, Academic Achievement - Ana Anderson, Salutatorian, Obion County Central High School. by *Herron.

DELAYED BILLS REFERRED
June 12, 2000

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3366, was/were referred to the Delayed Bills Committee.

***House Bill No. 3366** -- Appropriations - Makes appropriations to defray expenses of state government for fiscal year beginning 7/1/2000. by *Kisber. (SB3352 by *Henry, *Haynes)

REPORT OF DELAYED BILLS COMMITTEE
June 12, 2000

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3366.

Jimmy Naifeh, Speaker
Jere Hargrove
Steve McDaniel

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 13, 2000:

House Resolution No. 284 -- Memorials, Recognition - Murden Family. by *Brooks.

House Resolution No. 285 -- Memorials, Retirement - Joseph Vernon Lay. by *White, *Tidwell.

House Joint Resolution No. 850 -- Memorials, Death - Mertie W. Buckman. by *Chumney.

House Joint Resolution No. 851 -- Memorials, Personal Occasion - Meyer Blaine Maddox, birth. by *Chumney.

House Joint Resolution No. 853 -- Memorials, Public Service - Erle S. Gooding, Manager, Booker T. Washington State Park. by *Brown.

House Joint Resolution No. 858 -- Memorials, Public Service - Richard Floyd. by *McAfee, *Stulce, *Turner (Hamilton), *Wood, *Sharp, *Newton, *Curtiss.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 13, 2000:

Senate Joint Resolution No. 953 -- Memorials, Personal Occasion - Lena Plunkett Kestner, 101st birthday. by *Burks.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 3366** -- Appropriations - Makes appropriations to defray expenses of state government for fiscal year beginning 7/1/2000. by *Kisber.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 2287 -- Criminal Offenses - Creates offense of gambling by computer. Amends TCA Title 39, Chapter 17, Part 5. by *Kurita, *Burks. (*HB2151 by *Williams (Williamson))

***Senate Bill No. 2482** -- Judges and Chancellors - Creates additional chancellor and criminal court judge in 20th judicial district, effective 9/1/01, to be filled by appointment until 9/1/02; provides for election of criminal court judge and chancellor in August 2002 to fill unexpired term. Amends TCA Title 16, Chapter 2, Part 5. by *Haynes, *Harper, *Person. (HB2803 by *Jones, S., *West, *Briley, *Arriola, *Robinson, *Garrett, *Pruitt, *Harwell, *Langster)

***Senate Bill No. 2830** -- District Attorneys - Increases number of assistant district attorney and assistant public defender positions; any additional assistant public defender positions provided in 20th and 30th judicial districts shall be authorized by General Appropriations Act. Amends TCA Title 8, Chapter 14 and Title 16, Chapter 2. by *McNally, *Person, *Graves, *Atchley, *Crutchfield. (HB3079 by *Buck)

Senate Bill No. 3337 -- Montgomery County - Subject to local approval, enacts "Montgomery County Adequate Facilities Tax.". by *Kurita. (HB3355 by *Head, *McMillan)

Senate Bill No. 3344 -- Dickson - Subject to local approval, rewrites charter. Amends Chapter 274 of the Private Acts of 1925. by *Springer, J. (HB3361 by *Jackson)

***Senate Bill No. 3064** -- Sexual Offenses - Creates Class B felony offense of aggravated incest, which is two or more incidents of incest with same victim within two years of such incidents. Amends TCA Title 39, Chapter 15, Part 3. by *Harper. (HB2991 by *Bowers)

CONSENT CALENDAR

House Resolution No. 282 -- Memorials, Recognition - William D. Hicks. by *Bunch.

House Joint Resolution No. 848 -- Memorials, Personal Occasion - Walter and Alzee Goins, 50th anniversary. by *Goins.

Senate Joint Resolution No. 929 -- Memorials, Death - Representative Paul "Buddy" Scruggs. by *Atchley, *Burchett, *Atchley, *Blackburn, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, J, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 930 -- Memorials, Academic Achievement - Amber Veatch, Salutatorian, Dyersburg High School. by *Herron.

Senate Joint Resolution No. 931 -- Memorials, Academic Achievement - Mary Courtney Ford, First in Graduating Class, Dyersburg High School. by *Herron.

Senate Joint Resolution No. 932 -- Memorials, Academic Achievement - Doug Davis, Valedictorian, Westview High School. by *Herron.

Senate Joint Resolution No. 933 -- Memorials, Academic Achievement - Todd Higgs, Salutatorian, Westview High School. by *Herron.

Senate Joint Resolution No. 934 -- Memorials, Academic Achievement - Kristy Kummerow, Valedictorian, Henry County High School. by *Herron.

Senate Joint Resolution No. 935 -- Memorials, Academic Achievement - Dusty Parr, Salutatorian, Henry County High School. by *Herron.

Senate Joint Resolution No. 936 -- Memorials, Academic Achievement - Becky Morrow, Valedictorian, Lake County High School. by *Herron.

Senate Joint Resolution No. 937 -- Memorials, Academic Achievement - Valerie Cagle, Salutatorian, Lake County High School. by *Herron.

Senate Joint Resolution No. 938 -- Memorials, Death - Robert H. "Bob" Owen. by *Herron.

Senate Joint Resolution No. 939 -- Memorials, Sports - Popeye Jones, Murray State University Basketball Player of the Century. by *Herron.

Senate Joint Resolution No. 940 -- Memorials, Death - Dolly Red Spain. by *Herron.

Senate Joint Resolution No. 941 -- Memorials, Death - Eugene "Pappy" Killebrew. by *Herron.

Senate Joint Resolution No. 942 -- Memorials, Death - Faye Ella Maloan. by *Herron.

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Senate Joint Resolution No. 943 -- Memorials, Public Service - Captain Regina Parham. by *Herron.

Senate Joint Resolution No. 944 -- Memorials, Academic Achievement - Crystal Skelton, Salutatorian, Greenfield High School. by *Herron.

Senate Joint Resolution No. 945 -- Memorials, Academic Achievement - Bethany Marcus, Valedictorian, Greenfield High School. by *Herron.

Senate Joint Resolution No. 946 -- Memorials, Professional Achievement - Kenco Group Inc., 50th Anniversary. by *Fowler.

Senate Joint Resolution No. 947 -- Memorials, Personal Occasion - William and Irmgard Fuchs, 50th wedding anniversary. by *Davis L.

Senate Joint Resolution No. 948 -- Memorials, Death - Senator John Hicks. by *Haynes, *Harper, *Henry, *Rochelle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Haun, *Haynes, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Springer, J, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 949 -- Memorials, Professional Achievement - Kenco Group Inc., 50th Anniversary. by *Fowler.

Senate Joint Resolution No. 950 -- Memorials, Death - Roberts V. Weaver, Sr. and Helen Howard Weaver. by *Williams, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, J, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 951 -- Memorials, Academic Achievement - Laina Barker, 2000 Valedictorian, Obion Central High School. by *Herron.

Senate Joint Resolution No. 952 -- Memorials, Academic Achievement - Ana Anderson, Salutatorian, Obion County Central High School. by *Herron.

Rep. Hargrove moved that all members voting aye on Senate Joint Resolution No. 929, 948 and 950 be added as sponsors, which motion prevailed.

Rep. Turner (Hamilton) moved that all members of the Hamilton County delegation voting aye on Senate Joint Resolution No. 946 be added as sponsors, which motion prevailed.

OBJECTION – CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

Senate Joint Resolution No. 939: by Rep. Maddox

Under the rules, Senate Joint Resolution(s) No(s). 939 was/were placed at the foot of the calendar for June 13, 2000.

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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended to allow all bills reset for a calendar on June 27, 2000 or June 28, 2000 to be considered on today's calendar, which motion prevailed.

REGULAR CALENDAR

House Bill No. 3259 -- Taxes - Establishes procedures whereby county government may impose real property transfer tax. Amends TCA Title 67, Chapter 4. by *Head. (*SB3147 by *Kyle)

Further consideration of House Bill No. 3259 previously considered on June 1, 2000, June 6, 2000, June 7, 2000 and June 8, 2000, at which time it was reset for today's Calendar.

Rep. Head moved that House Bill No. 3259 be held on the Clerk's desk, which motion prevailed.

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House Bill No. 2043 -- Claiborne County - Subject to local approval, establishes building permit fee schedule. Amends Chapter 74 of the Private Acts of 1967, and all acts amendatory thereto. by *Goins. (SB2082 by *Williams)

Further consideration of House Bill No. 2043 previously considered on June 9, 2000, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 2043 was made to conform with **Senate Bill No. 2082**; the Senate Bill was substituted for the House Bill.

Rep. Goins moved that Senate Bill No. 2082 be passed on third and final consideration.

Rep. Bowers moved to re-refer Senate Bill No. 2082 to the House Committee on Calendar and Rules.

Rep. Goins moved that the motion to re-refer Senate Bill No. 2082 to the House Committee on Calendar and Rules be tabled, which motion prevailed by the following vote:

Ayes.....	41
Noes	36
Present and not voting	3

Representatives voting aye were: Baird, Beavers, Bittle, Boyer, Bunch, Caldwell, Cole (Carter), Cooper, Curtiss, Davis (Washington), Dunn, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Jones S., Kent, Kerr, McCord, McDaniel, McKee, Mumpower, Newton, Odom, Pinion, Pleasant, Rhinehart, Roach, Robinson, Scroggs, Sharp, Tindell, Todd, Westmoreland, Wood -- 41.

Representatives voting no were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Brown, Chumney, Cole (Dyer), Davidson, DeBerry L., Eckles, Ferguson, Fraley, Hargrove, Head, Hood, Jackson, Jones U., Kisber, Langster, Maddox, McMillan, Phelan, Phillips, Pruitt, Ridgeway, Rinks, Sands, Stulce, Turner (Hamilton), West, White, Windle, Winningham, Mr. Speaker Naifeh -- 36.

Representatives present and not voting were: Black, Patton, Tidwell -- 3.

Rep. Head moved that Senate Bill No. 2082 be held on the Clerk's desk behind House Bill No. 3259, which motion failed by the following vote:

Ayes.....	35
Noes	47
Present and not voting	2

Representatives voting aye were: Armstrong, Bone, Briley, Brooks, Brown, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry L., Eckles, Ferguson, Fraley, Hargrove, Head, Hood, Jones U., Kisber, Langster, Maddox, McMillan, Miller, Phelan, Phillips, Ridgeway, Rinks, Robinson, Stulce, Towns, Turner (Hamilton), White, Windle, Winningham, Mr. Speaker Naifeh -- 35.

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Representatives voting no were: Baird, Beavers, Bittle, Bowers, Boyer, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Davis (Cocke), Davis (Washington), Dunn, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Jones S., Kent, Kerr, McCord, McDaniel, McKee, Montgomery, Mumpower, Newton, Odom, Patton, Pleasant, Rhinehart, Roach, Sargent, Scroggs, Sharp, Tindell, Todd, West, Westmoreland, Whitson, Williams, Wood -- 47.

Representatives present and not voting were: Jackson, Tidwell -- 2.

Rep. Dunn moved the previous question, which motion prevailed.

Rep. Goins moved that **Senate Bill No. 2082** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	58
Noes	18
Present and not voting	9

Representatives voting aye were: Baird, Beavers, Bittle, Boyer, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cooper, Curtiss, Davis (Washington), Dunn, Ford, Fowlkes, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Maddox, McCord, McDaniel, McKee, Montgomery, Mumpower, Newton, Odom, Patton, Pinion, Pleasant, Pruitt, Rhinehart, Roach, Robinson, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Walker, Walley, Westmoreland, Williams, Winningham, Wood -- 58.

Representatives voting no were: Bone, Bowers, Briley, Brown, Cole (Dyer), Davidson, DeBerry L., Eckles, Hargrove, Head, Jones U., McMillan, Miller, Phelan, Ridgeway, Rinks, Towns, West -- 18.

Representatives present and not voting were: Armstrong, Arriola, Black, Brooks, Chumney, Ferguson, Fraley, Turner (Hamilton), Windle -- 9.

A motion to reconsider was tabled.

House Bill No. 2874 -- Real Estate Agents and Brokers - Requires real estate brokers to complete 16 hours of continuing education every two years. Amends TCA Title 62, Chapter 13, Part 3. by *Sands, *Godsey, *Mumpower, *Bowers, *Chumney, *Towns, *Cooper B, *Kernell. (*SB2811 by *Ramsey, *Person)

Further consideration of House Bill No. 2874 previously considered on April 3, 2000, April 6, 2000, May 3, 2000, May 4, 2000 and May 18, 2000, at which time it was reset for today's Calendar.

Rep. Godsey requested that House Bill No. 2874 be moved to the heel of the Calendar.

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House Bill No. 3295 -- Rockwood - Subject to local approval, makes various revisions to charter relative to elections, fines and contracts. Amends Chapter 327 of the Acts of 1903; as amended. by *Ferguson. (SB3276 by *Davis L)

Further consideration of House Bill No. 3295 previously considered on April 13, 2000, May 1, 2000 and May 15, 2000, at which time it was reset for today's Calendar.

Rep. Ferguson requested that House Bill No. 3295 be moved to the heel of the Calendar.

House Bill No. 2660 -- Election Laws - Allows registry of election finance to assess late filing fee of \$30.00 a day up to maximum of \$900 instead of \$25.00 a day up to maximum of \$750; increases class 1 offense civil penalty from \$25.00 a day up to maximum of \$750 to \$30.00 a day up to maximum of \$900. Amends TCA Title 2, Chapter 10; Title 3, Chapter 6, Part 1 and Title 8, Chapter 50, Part 5. by *McMillan. (*SB2695 by *Cooper)

Further consideration of House Bill No. 2660 previously considered on May 3, 2000, May 4, 2000 and May 8, 2000, at which time it was reset for today's Calendar.

BILL RE-REFERRED

Rep. McMillan moved that House Bill No. 2660 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 3100 -- Governor - Requires governor's inauguration (oath of office) to be held on Plaza of War Memorial Building or other appropriate outdoor venue. Amends TCA Title 2, Chapter 10 and Title 8. by *McMillan. (*SB2701 by *Cooper)

Further consideration of House Bill No. 3100 previously considered on May 3, 2000, May 4, 2000, May 8, 2000 and May 15, 2000, at which time it was reset for today's Calendar.

BILL RE-REFERRED

Rep. McMillan moved that House Bill No. 3100 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2378** -- Pharmacy, Pharmacists - Allows pharmacists to perform laboratory tests under certain circumstances. Amends TCA Section 63-10-404. by *Rhinehart. (SB2768 by *McNally)

Further consideration of House Bill No. 2378 previously considered on April 12, 2000, April 19, 2000, May 1, 2000, May 8, 2000 and May 18, 2000, at which time it was reset for today's Calendar.

On motion, House Bill No. 2378 was moved to the heel of the Calendar.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2183** -- Motor Vehicles, Titling and Registration - Authorizes issuance of new specialty earmarked license plates for Eagle Foundation; allocates 50 percent of funds produced from sale thereof to such foundation to preserve American bald eagle Amends TCA Title 55, Chapter 4. by *Clabough, *Dixon. (HB2191 by *Montgomery, *Mumpower, *Godsey, *Buttry, *Baird, *Sharp)

Rep. Montgomery moved that the House refuse to recede in its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 2183**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 2183**

Pursuant to **Rule No. 73**, Representative Montgomery moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2183, which motion prevailed.

The Speaker appointed Representatives Head, Fowlkes and Bittle as the House members of the Conference Committee on Senate Bill No. 2183.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2210** -- Motor Vehicles, Titling and Registration - Authorizes issuance of new specialty earmarked license plates for Tennessee state guard; allocates 50 percent of funds produced from sale thereof to Tennessee state guard Amends TCA Title 55, Chapter 4. by *Crowe, *Dixon, *Williams, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cooper, *Crowe, *Crutchfield, *Davis L, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, P, *Wilder, *Womack. (HB2202 by *Patton, *Windle, *McDonald, *Bone, *Ford S, *Curtiss, *DeBerry J)

Rep. Patton moved that the House refuse to recede in its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 2210**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 2210**

Pursuant to **Rule No. 73**, Representative Patton moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2210, which motion prevailed.

The Speaker appointed Representatives Head, Fowlkes and Bittle as the House members of the Conference Committee on Senate Bill No. 2210.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2377** -- Motor Vehicles, Titling and Registration - Authorizes issuance of license plates for PGA Junior Golf Amends TCA Title 55, Chapter 4. by *Blackburn, *Person, *Dixon. (HB2357 by *Sargent, *Williams (Williamson), *Westmoreland, *Roach, *Davis (Cocke), *Whitson, *Todd)

Rep. Sargent moved that the House refuse to recede in its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 2377**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 2377**

Pursuant to **Rule No. 73**, Representative Sargent moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2377, which motion prevailed.

The Speaker appointed Representatives Head, Fowlkes and Bittle as the House members of the Conference Committee on Senate Bill No. 2377.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2472** -- Motor Vehicles, Titling and Registration - Authorizes department of safety to administratively issue collegiate plates for two-year and four-year colleges and universities located within the several states and District of Columbia; removes requirement that two-year college must be in-state to qualify for issuance Amends TCA Title 55, Chapter 4. by *Haun. (HB3107 by *Fowlkes, *Head, *Bowers, *Brooks)

Rep. Fowlkes moved that the House refuse to recede in its action in adopting Amendment(s) No(s). 3 to **Senate Bill No. 2472**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 2472**

Pursuant to **Rule No. 73**, Representative Fowlkes moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2472, which motion prevailed.

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The Speaker appointed Representatives Head, Fowlkes and Bittle as the House members of the Conference Committee on Senate Bill No. 2472.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 1269 -- Surveyors - Requires professional land surveyor to make reasonable efforts to notify adjoining landowners that survey will be performed instead of only notifying adjoining landowners upon whose land it is necessary to enter. Amends TCA Section 62-18-124. by *Springer, P, *Cooper. (*HB780 by *McDaniel, *Cooper B)

Rep. McDaniel moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2 to **Senate Bill No. 1269**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2019** -- Sunset Laws - Department of personnel, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Springer, P. (HB2081 by *Kernell, *Garrett, *Brooks)

Rep. Garrett moved that the House refuse to recede in its action in adopting Amendment(s) No(s). 2 to **Senate Bill No. 2019**, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 2019

Pursuant to **Rule No. 73**, Representative Garrett moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2019, which motion prevailed.

The Speaker appointed Representatives Garrett, Hargrove and Walley as the House members of the Conference Committee on Senate Bill No. 2019.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2045** -- Historical Sites and Preservation - Authorizes expenditure of funds from state lands acquisition fund for benefit of state historic areas Amends TCA Section 67-4-409. by *Henry, *Crowe. (HB2107 by *Jackson, *McDaniel, *Davidson, *Fowlkes, *Tidwell)

On motion, Senate Bill No. 2045 was moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2123** -- Local Government, General - Standardizes authorized investments of idle funds irrespective of form of government. Amends TCA Section 5-8-301; Section 6-56-106 and Title 9, Chapter 21. by *Cooper. (HB2330 by *Kisber)

Rep. Kisber moved that the House refuse to recede in its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 2123**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 2123**

Pursuant to **Rule No. 73**, Representative Kisber moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2123, which motion prevailed.

The Speaker appointed Representatives Kisber, Rinks and Whitson as the House members of the Conference Committee on Senate Bill No. 2123.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 2319** -- Workers' Compensation - Creates uninsured employers fund. Amends TCA Title 50, Chapter 6 and Title 56. by *Kisber. (SB2382 by *Clabough)

Rep. Kisber requested that House Bill No. 2319 be moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2598 -- Criminal Offenses - Requires person arrested for aggravated assault of certain victims be tested for HIV. Amends TCA Title 39, Chapter 13. by *Blackburn, *Dixon, *Person, *Burks. (*HB2407 by *Beavers, *Todd)

**CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 2598**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 2598 (House Bill No. 2407) has met and recommends that the following amendments be deleted:

Senate Amendment No. 1

House Amendment No. 2

The Committee further recommends that the following amendment be adopted:

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following as a new appropriately designated section:

39-13-1____. (a)(1) If a person is initially arrested for a violation of § 39-13-102 and if the victim of the assault suffered actual contact with the blood or other body fluid of the arrestee, then the arrestee shall undergo HIV testing immediately, upon the request of the victim. A licensed medical laboratory shall perform such test at the expense of the arrestee. The arrestee shall obtain a confirmatory test when necessary. The arrestee shall be referred to appropriate counseling.

(2) For purposes of this section, "the victim of the assault" shall be limited to a law enforcement officer; firefighter; correctional officer; youth services officer; probation and parole officer; an employee of the department of correction or the department of children's services, provided that such officer or employee was performing an official duty; an emergency medical or rescue worker, emergency medical technician, or paramedic, whether compensated or acting as a volunteer, provided that such technician or worker was performing an official duty.

(b)(1) The licensed medical laboratory shall report the results of the HIV test required under this section immediately to the victim of the assault.

(2) The result of the HIV test required under this section is not a public record and shall be available only to:

- (A) The victim of the assault;
- (B) The parent or guardian of a minor or incapacitated victim;
- (C) The attending physician of the person tested and of the victim;
- (D) The department of health;
- (E) The department of correction;
- (F) The person tested; and
- (G) The district attorney general prosecuting the case.

(c) If the arrestee's test indicates that the arrestee is infected with HIV, then the arrestee shall be responsible for the victim's medical bills, laboratory bills and other expenses related to such victim's exposure to HIV, upon a finding that such exposure was from the arrestee.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.

Senator Marsha Blackburn
Senator Stephen Cohen
Senator David Fowler

Representative Mae Beavers
Representative Sherry Jones
Representative John Mark Windle

Rep. Beavers moved that the Report of the Conference Committee on **Senate Bill No. 2598** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2854 -- Housing - Redefines "project" under special corporations statute to remove requirement that project's bonds could only be sold to certain federal government sponsored mortgage entities for certain housing projects in Shelby County. Amends TCA Section 48-101-301. by *Bowers. (*SB2809 by *Cohen, *Dixon, *Crutchfield, *Burchett, *Harper)

Senate Amendment No. 7

AMEND House Bill No. 2854 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 48-101-301(14)(G), is amended by inserting the words "for purchase" between the words "single family residential units" and the words "where such units".

Rep. Bowers moved that the House concur in Senate Amendment(s) No(s). 7 to **House Bill No. 2854**, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2855 -- Corporations, Not for Profit - Redefines "multi-family housing facilities", for purposes of housing facility corporations, to remove requirement that family units be qualified for 501(c)(3) bonds. Amends TCA Section 48-101-301. by *Bowers. (*SB2859 by *Cohen, *Dixon)

Senate Amendment No. 4

AMEND House Bill No. 2855 by adding the following language at the end of the amendatory language of Section 1 between the word "sites" and the ";":

for such a project located in counties having a population in excess of eight hundred thousand (800,000) according to the 1990 federal census or any subsequent federal census

Rep. Bowers moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 2855**, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2885 -- Taxes, Privilege - Redirects certain real estate transfer tax revenue to state parks system rather than local parks land acquisition fund and state lands acquisition fund. Amends TCA Section 67-4-409. by *Rinks, *Ridgeway, *Gunnels, *McMillan, *Baird. (*SB3003 by *Cooper, *Burchett, *Burks, *Davis L, *Graves, *Kyle, *Kurita, *McNally, *Williams)

Senate Amendment No. 1

AMEND House Bill No. 2885 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-409(j)(2)(A), is amended by redesignating the subdivision as (j)(2)(A)(i) and by adding the following as a new subdivision (j)(2)(A)(ii):

(j)(2)(A)(ii) Notwithstanding the provisions of subdivision (j)(2)(A)(i) or any other provision of law to the contrary, for the 2000-2001 fiscal year a sum sufficient shall be allocated to the department from the state lands acquisitions fund to keep state parks open, fund capital projects, and provide operating budget funds for such parks. The commissioner shall use such funds as needed to keep all state parks open for such fiscal year without diminishing the existing level of services available at such parks and shall report to the Senate Environment, Conservation and Tourism Committee and the House Environment and Conservation Committee not later than February 1, 2001, relative to the status of such parks and any future actions contemplated for such parks.

SECTION 2. This act shall take effect on July 1, 2000, the public welfare requiring it.

Senate Amendment No. 1 to 1

AMEND House Bill No. 2885 by adding after the words "parks" in each place the words "and natural areas".

Rep. Rinks moved that the House nonconcur in Senate Amendment(s) No(s). 1 as amended to **House Bill No. 2885**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2959** -- Fireworks - Equalizes all permit fees charged by state fire marshal for fireworks, except for display, to that presently paid by manufacturer, distributor and retailer, by increasing fee wholesaler pays from \$250 to \$750 and by increasing fee seasonal retailer pays from \$25.00 to \$750. Amends TCA Section 68-104-102. by *Haynes. (HB2847 by *Garrett)

Rep. Garrett moved that the House refuse to recede in its action in adopting Amendment(s) No(s). 1 and 2 to **Senate Bill No. 2959**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 2959**

Pursuant to **Rule No. 73**, Representative Garrett moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2959, which motion prevailed.

The Speaker appointed Representatives Rhinehart, Bunch and Garrett as the House members of the Conference Committee on Senate Bill No. 2959.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2045** -- Historical Sites and Preservation - Authorizes expenditure of funds from state lands acquisition fund for benefit of state historic areas Amends TCA Section 67-4-409. by *Henry, *Crowe. (HB2107 by *Jackson, *McDaniel, *Davidson, *Fowlkes, *Tidwell)

On motion, Senate Bill No. 2045 was reset for the Supplemental Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2319** -- Workers' Compensation - Creates uninsured employers fund. Amends TCA Title 50, Chapter 6 and Title 56. by *Kisber. (SB2382 by *Clabough)

Senate Amendment No. 2

AMEND House Bill No. 2319 By deleting the amendatory language of new SECTION____. added by House Amendment # 3 which reads as follows:

Section _____. Notwithstanding the provisions of Tennessee Code Annotated, Title 68, Chapter 11, any health care services rendered under the provisions of this chapter shall not be included under "home health service" as such service is defined by Section 68-11-201 and regulated by Title 68.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2319**, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2315** -- Constitutional Conventions - Proposes amendment to Article II, Sections 3 through 18, 21, 22, 23, 25, 26, 27, Article III, Sections 2, 12, 18 and Article V, relative to unicameral legislature. by *Sands. (SB3282 by *Cooper)

Further consideration of House Bill No. 2315 previously considered on May 18, 2000, at which time it was reset for today's Calendar.

Rep. Ridgeway moved that House Bill No. 2315 be held on the Clerk's desk, which motion prevailed.

***House Bill No. 2387** -- Highway Signs - Prohibits stacking of two or more billboard displays, or more than one horizontal display in excess of square footage limitations of present law, after 7/1/00. Amends TCA Title 54, Chapter 21. by *Eckles, *McAfee. (SB2479 by *Haynes)

Further consideration of House Bill No. 2387 previously considered on April 6, 2000, April 10, 2000, May 4, 2000, May 11, 2000 and May 18, 2000, at which time it was reset for today's Calendar.

BILL RE-REFERRED

Rep. Eckles moved that House Bill No. 2387 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 715 -- Firearms and Ammunition - Clarifies that prohibition relative to carrying weapons on public parks and playgrounds does not apply to firearms carried pursuant to concealed carry permit. Amends TCA Section 39-17-1311. by *West, *Sharp, *Beavers, *Hargett, *Bittle. (*SB375 by *Williams)

Further consideration of House Bill No. 715 previously considered on May 11, 2000 and May 18, 2000, at which time it was reset for today's Calendar.

***House Bill No. 717** -- Firearms and Ammunition - Specifies notice to be given prohibiting weapons from being carried on certain premises. Amends TCA Section 39-17-1359. by *West, *Sharp, *Beavers, *Pleasant, *Hargett, *Todd, *Bittle. (SB908 by *Rochelle, *Williams)

Further consideration of House Bill No. 717 previously considered on May 11, 2000 and May 18, 2000, at which time it was reset for today's Calendar.

***House Bill No. 718** -- Firearms and Ammunition - Exempts certain persons from prohibitions on carrying firearm on school property or where alcoholic beverages sold; clarifies that person carrying weapon pursuant to concealed carry permit not subject to provisions prohibiting carrying weapons for purpose of going armed. Amends TCA Title 39, Chapter 17, Part 13. by *West, *Sharp, *Beavers, *Pleasant, *Hargett, *Todd, *Bittle, *Buttry. (SB1645 by *Cooper)

Further consideration of House Bill No. 718 previously considered on May 11, 2000 and May 18, 2000, at which time it was reset for today's Calendar.

Rep. West moved that House Bill(s) No(s). 715, 717 and 718 be reset for the Regular Calendar on June 13, 2000, which motion prevailed.

House Bill No. 1264 -- Education - Requires school superintendents convicted of felonies to be removed from office. Amends TCA Section 49-2-301. by *Winningham, *Boyer. (*SB1267 by *Springer, P)

Further consideration of House Bill No. 1264 previously considered on May 26, 1999, February 2, 2000, March 8, 2000, March 9, 2000, April 10, 2000, May 8, 2000, and May 22, 2000, at which time it was reset for today's Calendar.

House Bill No. 1242 -- Education - Authorizes local boards of education to maintain records of proceedings of board in electronic format. Amends TCA Section 49-2-301. by *Winningham, *Boyer. (*SB1322 by *Williams)

Further consideration of House Bill No. 1242 previously considered on May 26, 1999, February 2, 2000, March 8, 2000, March 9, 2000, April 10, 2000, May 8, 2000, and May 22, 2000, at which time it was reset for today's Calendar.

Rep. Winningham moved that House Bill(s) No(s). 1264 and 1242 be reset for the Regular Calendar on June 13, 2000, which motion prevailed.

***Senate Bill No. 2612** -- Medical Occupations - Adds two members to emergency medical services board; authorizes board to set amount of civil penalties for violations. Amends TCA Title 68, Chapter 140, Part 5. by *Cooper, *Cohen, *Cooper. (HB3148 by *Jones U (Shelby))

Further consideration of Senate Bill No. 2612 previously considered on May 22, 2000, at which time the Senate Bill was substituted for the House Bill and reset for today's Calendar.

Rep. U. Jones moved that Senate Bill No. 2612 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2612 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-140-508(c), is amended by deleting the second sentence in its entirety and substituting instead the following:

Upon submission of an application and appropriate fees to the department, licenses shall be issued if the applicant is:

- (1) A Tennessee resident;
- (2) Employed by a service operating in Tennessee; or
- (3) A nonresident applicant licensed in another state and in good standing in the applicant's state of residence, if the applicant's state of residence grants the same or similar reciprocity privileges to Tennessee residents who are licensed by and in good standing in Tennessee.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Hargett moved the previous question, which motion prevailed.

Rep. U. Jones moved that **Senate Bill No. 2612**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	0
Present and not voting	3

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Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Buttry, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Caldwell, Ferguson, Hargett -- 3.

A motion to reconsider was tabled.

House Bill No. 3269 -- Constitutional Conventions - Proposes amendment to Article II, Sections 28 and 29, relative to taxation; Article II, Section 31, relative to state investments; Article VI, Section 14, relative to fines; Article VII, Section 1, relative to county officers and county government; Article X, Sections 4 and 5, relative to consolidation of counties and creation of new counties; Article XI, Section 5, relative to the prohibition of lotteries and the sale of lottery tickets; Article XI, Section 9, relative to consolidation of municipal and county functions; and Article XI, Section 12, relative to education. by *Rinks, *Newton. (*SB3239 by *Cooper)

Further consideration of House Bill No. 3269 previously considered on June 1, 2000 at which time the House adopted Amendment(s) No(s). 1, and June 6, 2000, at which time it was reset for today's Calendar.

Rep. Ridgeway moved that House Bill No. 3269 be held on the Clerk's desk, which motion prevailed.

***House Bill No. 3266** -- Motor Vehicles, Titling and Registration - Reclassifies Nashville Predators cultural license plate as new specialty earmarked plate Amends TCA Title 55, Chapter 4. by *West. (SB3259 by *Haynes)

Further consideration of House Bill No. 3266 previously considered on June 6, 2000, at which time it was reset for today's Calendar.

***House Bill No. 2048** -- Motor Vehicles, Titling and Registration - Authorizes issuance of new specialty earmarked license plates for National Rifle Association Amends TCA Title 55, Chapter 4. by *West, *Sharp, *Beavers, *Bittle, *Goins, *Baird, *Black. (SB2491 by *Haynes, *Kurita)

Further consideration of House Bill No. 2048 previously considered on June 6, 2000, at which time it was reset for today's Calendar.

Rep. West moved that House Bill(s) No(s). 3266 and 2048 be reset for the Regular Calendar on June 13, 2000, which motion prevailed.

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***House Bill No. 155** -- Telecommunications - Specifically includes cellular telephones within definition of "public utility." Amends TCA Title 65. by *Maddox, *Maddox. (SB620 by *Haynes)

Further consideration of House Bill No. 155 previously considered on June 7, 2000 at which time the House adopted Amendment(s) No(s). 1 and June 9, 2000, at which time it was reset for today's Calendar.

BILL RE-REFERRED

Rep. Maddox moved that House Bill No. 155 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 2874 -- Real Estate Agents and Brokers - Requires real estate brokers to complete 16 hours of continuing education every two years. Amends TCA Title 62, Chapter 13, Part 3. by *Sands, *Godsey, *Mumpower, *Bowers, *Chumney, *Towns, *Cooper B, *Kernell. (*SB2811 by *Ramsey, *Person)

Further consideration of House Bill No. 2874 previously considered on today's Calendar.

Rep. Ridgeway moved that House Bill No. 2874 be held on the Clerk's desk, which motion prevailed.

House Bill No. 3295 -- Rockwood - Subject to local approval, makes various revisions to charter relative to elections, fines and contracts. Amends Chapter 327 of the Acts of 1903; as amended. by *Ferguson. (SB3276 by *Davis L)

Further consideration of House Bill No. 3295 previously considered on today's Calendar.

Rep. Ferguson moved that House Bill No. 3295 be passed on third and final consideration.

Rep. Ferguson moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3295 by deleting Section 2 in its entirety and by renumbering the subsequent sections accordingly.

AND FURTHER AMEND in the existing Section 11 by deleting the language "as provided in Section 10" and by substituting instead the language "as provided in Section 9".

On motion, Amendment No. 1 was adopted.

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Rep. Ferguson moved that **House Bill No. 3295**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks, Towns -- 2.

A motion to reconsider was tabled.

***House Bill No. 2378** -- Pharmacy, Pharmacists - Allows pharmacists to perform laboratory tests under certain circumstances. Amends TCA Section 63-10-404. by *Rhinehart. (SB2768 by *McNally)

Further consideration of House Bill No. 2738 previously considered on today's Calendar.

BILL RE-REFERRED

Rep. Rhinehart moved that House Bill No. 2378 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

SPECIAL ORDER

Rep. McMillan requested that the House take up House Bill No. 2651 out of order, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 2651 -- Sentencing - Adds enhancement factor by which defendant's sentence may be increased within appropriate range that defendant abused position of trust with parent or guardian of child victim that significantly facilitated commission of offense. Amends TCA Title 40, Chapter 35, by *McMillan. (*SB2273 by *Rochelle, *Person, *Graves, *Davis L, *Burks, *Kurita, *Williams)

Further consideration of House Bill No. 2651 previously considered on June 7, 2000 and June 9, 2000, at which time it was reset for today's Calendar.

On motion, House Bill No. 2651 was made to conform with **Senate Bill No. 2273**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2273 be passed on third and final consideration.

Rep. McMillan moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2273 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following as a new section:

Section 40-35-122.

(a) Notwithstanding the provisions of Tennessee Code Annotated, Section 24-1-201(c), or any other provision of law to the contrary, in a criminal proceeding confidential communications between married persons are privileged and inadmissible if either spouse objects. This communications privilege shall not apply to a criminal proceeding involving abuse of one (1) of the spouses or abuse of a minor in the custody of or under the dominion and control of either spouse, including, but not limited to, proceedings arising under title 36, chapter 1, part 1; title 37, chapter 1, parts 1, 4 and 6; title 37, chapter 2, part 4; and title 71, chapter 6, part 1.

(b) The provisions of this section shall apply to any criminal proceeding resulting from an offense committed on or after January 1, 2001.

On motion, Amendment No. 1 was adopted.

Rep. McMillan moved that **Senate Bill No. 2273**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 852 out of order, which motion prevailed.

House Joint Resolution No. 852 -- Memorials, Death - Edward Hogin Hooper. by *Hargrove.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2591 -- Children - Creates and funds commission on responsible fatherhood; "membership," "authority" and "principles" defined; annual report required; funded for 2000-2001; terminates 2/1/06. Amends TCA Title 3, Chapter 15, by *DeBerry J, *Brown, *Wood, *Patton, *Williams (Williamson), *Bowers, *Kernell, *Towns, *Bunch, *Stulce, *Armstrong, *Black, *Goins, *Miller L, *Pleasant, *Turner (Hamilton), *Jones U (Shelby), *Kent, *Cole (Carter), *Pinion, *Ridgeway. (*SB2813 by *Ramsey, *Henry)

Rep. J. DeBerry moved that House Bill No. 2591 be returned to the Senate, which motion prevailed.

RECESS MOTION

On motion, the House stood in a brief recess.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 856: Rep(s). Ridgeway, Newton and McKee as prime sponsor(s).

House Joint Resolution No. 857: Rep(s). Goins, Beavers, Black, Baird and Dunn as prime sponsor(s).

House Bill No. 2802: Rep(s). Harwell as prime sponsor(s).

ENGROSSED BILLS

June 12, 2000

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 848.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 12, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3025; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

ENGROSSED BILLS

June 12, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3295, also, House Joint Resolution(s) No(s). 852.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 12, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 848 and 852; concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 12, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3295; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 12, 2000

MR. SPEAKER: I am directed to return to the House, House Bill No. 2591.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1 and 2, withdrew Amendment No. 1 and 2, adopted Amendment No. 3, then repassed the bill on third and final consideration, as amended.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

June 12, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2885.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 1.

RUSSELL HUMPHREY, Acting Chief Clerk.

REPORTS FROM STANDING COMMITTEES

The committees that met on **June 12, 2000**, reported the following:

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2820, also House Bill(s) No(s). 2802 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Supplemental Regular Calendar for June 12, 2000**: House Bill(s) No(s). 2802 and 2820.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Hargrove, the roll call was dispensed with.

SUPPLEMENTAL MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Jackson moved to lift from the table the motion to reconsider action in passing Senate Bill No. 2045, which motion prevailed.

***Senate Bill No. 2045** -- Historical Sites and Preservation - Authorizes expenditure of funds from state lands acquisition fund for benefit of state historic areas Amends TCA Section 67-4-409. by *Henry, *Crowe. (HB2107 by *Jackson, *McDaniel, *Davidson, *Fowlkes, *Tidwell)

Rep. Jackson moved to reconsider action in passing Senate Bill No. 2045, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment(s) No(s). 1. On motion, Amendment(s) No(s). 1 was withdrawn.

Rep. Jackson moved that Senate Bill No. 2045 be passed on third and final consideration.

Rep. Jackson moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2045 by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-409(j)(2)(A), is amended by deleting the language "state parks," and substituting instead the language "any area designated as an historic place as evidenced by its inclusion on the National Register of Historic Places, state historic areas or sites, state parks,".

On motion, Amendment No. 2 was adopted.

Rep. Jackson moved that **Senate Bill No. 2045**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 89
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Eckles, Ferguson, Ford, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Buck moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 854 out of order, which motion prevailed.

***House Joint Resolution No. 854** -- Constitutional Amendments - Prohibits general assembly from taxing first \$100,000 of income per annum of individual or first \$200,000 per annum of married couple; authorizes other income per annum above such amounts to be tax in manner provided by law; requires 3/5 vote to raise rate, increase or decrease amount or approve exemptions, deductions or credits on such other income. by *Buck, *Ridgeway, *Newton, *Fraley.

Rep. Buck requested that the Clerk read House Joint Resolution No. 854 for the first Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 854.

Rep. Buck moved that House Joint Resolution No. 854 be reset for the Regular Calendar on June 13, 2000, for second reading, which motion prevailed.

RULES SUSPENDED

Rep. Buck moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 855 out of order, which motion prevailed.

***House Joint Resolution No. 855** -- Constitutional Amendments - Prohibits general assembly from taxing first \$100,000 of income per annum of individual or first \$200,000 per annum of married couple; authorizes other income per annum above such amounts to be tax in manner provided by law; requires 3/5 vote to raise rate, or approve exemptions, deductions or credits on such other income. by *Buck, *Newton, *Ridgeway, *Fraley.

Rep. Buck requested that the Clerk read House Joint Resolution No. 855 for the first Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 855.

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Rep. Buck moved that House Joint Resolution No. 855 be reset for the Regular Calendar on June 13, 2000, for second reading, which motion prevailed.

BILLS WITHDRAWN

On motion of Rep. McAfee, **House Bill No. 1372** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. McAfee, **House Bill No. 1643** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

On motion of Rep. McAfee, **House Bill No. 3024** was recalled from the Conservation and Environment Committee and withdrawn from the House.

On motion of Rep. McAfee, **House Bill No. 3044** was withdrawn from the House.

On motion of Rep. McAfee, **House Bill No. 3045** was withdrawn from the House.

RULES SUSPENDED

Rep. Buck moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 856 out of order, which motion prevailed.

***House Joint Resolution No. 856** -- Constitutional Amendments - Prohibits General Assembly from taxing first \$100,000 of individual's income and first \$200,000 of married couple's income. by *Buck, *Buck, *Ridgeway, *Newton, *McKee.

Rep. Buck requested that the Clerk read House Joint Resolution No. 856 for the first Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 856.

Rep. Buck moved that House Joint Resolution No. 856 be reset for the Regular Calendar on June 13, 2000, for second reading, which motion prevailed.

RECESS MOTION

On motion, the House stood in recess until 5:00 p.m.

RECESS EXPIRED

The recess having expired, the House was called to order by Speaker Pro Tempore Lois DeBerry.

ROLL CALL DISPENSED WITH

On motion of Rep. Hargrove, the roll call was dispensed with.

RECESS MOTION

On motion, the House stood in a brief recess.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Hargrove, the roll call was dispensed with.

RECESS MOTION

On motion of Rep. Boyer, the House stood in recess until 7:15 p.m.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Hargrove, the roll call was dispensed with.

SPECIAL ORDER

Rep. Stulce requested that the House take up House Bill No. 1965 out of order, which motion prevailed.

***House Bill No. 1965** -- Taxes - Applies franchise and excise taxes to limited liability companies, partnerships and proprietorships and removes exemptions from sales taxes; enacts "Excise Tax Law of 1999." Amends TCA Title 45; Title 48; Title 56 and Title 67. by *Stulce, *Winningham. (SB1962 by *Cooper, *Crutchfield, *Henry)

Further consideration of House Bill No. 1965 previously considered on May 19, 1999 and May 25, 1999, at which time it was reset for today's Calendar.

Rep. Stulce moved that House Bill No. 1965 be passed on third and final consideration.

Rep. Stulce moved adoption of Amendment No. 7 as follows:

Amendment No. 7

AMEND House Bill No. 1965 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. (a) Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by deleting in their entirety all sections in such part except for Sections 67-6-308, 67-6-337, 67-6-338 and 67-6-375 through 67-6-383.

(b) Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by adding the following new section:

Section 67-6-384. There is exempt from the tax levied by this chapter any sale or use which would otherwise be taxable pursuant to the provisions of this chapter but which would impose a tax that is invalid either under the commerce clause or the due process clause of the Constitution of the United States.

SECTION 2. Tennessee Code Annotated, Section 67-6-102(2), is amended by deleting the language ", including, but not limited to, the Girl Scouts or county fairs".

SECTION 3. Tennessee Code Annotated, Section 67-6-102(9), is amended by deleting from the first sentence the language "the retail price of which, for any such single article, exceeds two hundred fifty dollars (\$250)."; by deleting from the fourth sentence the language ", the retail price of which exceeds two hundred fifty dollars (\$250)"; and by deleting from the fifth sentence the language ", even if the amount of the lease or rental is less than two hundred fifty dollars (\$250)".

SECTION 4. Tennessee Code Annotated, Section 67-6-102(13)(B), is amended by deleting the language ", the cost of which, for any such single article, exceeds one thousand dollars (\$1,000).",

SECTION 5. Tennessee Code Annotated, Section 67-6-102(24)(D), is amended by deleting the language "and each sale is in excess of five hundred dollars (\$500)" and the language "for sales in excess of five hundred dollars (\$500)".

SECTION 6. Tennessee Code Annotated, Section 67-6-102(24)(F), is amended by adding the following subdivisions:

(x) The performing or furnishing for a consideration of any of the following types of services:

(a) advertising services;

(b) credit reporting and debt collection services;

(c) mailing, photocopying, artistic, and stenographic services;

(d) building management services;

(e) personnel supply services;

(f) computer and data processing services;

(g) management consulting and public relations services;

(h) detective and protective services;

(i) research and testing services;

(j) motion picture production services;

(k) other business services;

(l) coin-operated laundry services;

(m) beautician and barber shop services and other personal services;

(n) funeral services;

(o) veterinary services provided for a pet; for purposes of this section, "pet" means any domesticated animal normally maintained in or near the household of its owner, except for any livestock as defined in Section 44-11-101 and any wildlife as classified and defined in Section 70-4-403;

(p) landscaping services;

(q) securities brokerage services;

(r) insurance agency services;

(s) real estate agency services;

(t) membership or privileges in a select membership organization;

(u) amusement services;

(v) advertising services in newspapers, magazines and other periodical publications;

(w) legal services;

(x) engineering, architectural and surveying services;

(y) accounting, financial, auditing and bookkeeping services;

(z) for-profit educational services;

(aa) not-for-profit educational services;

(bb) for-profit social services;

(cc) not-for-profit social services;

(dd) medical services;

(ee) dental services;

(ff) nursing and personal care facility services;

(gg) not-for-profit hospital and health services;

(hh) for-profit hospital and health services;

(ii) contractor and operative builder services;

(jj) heavy construction services;

(kk) special trade contractor services;

(ll) transportation services;

SECTION 7. Tennessee Code Annotated, Section 67-6-102(24)(F), is amended by deleting subdivision (v) in its entirety and substituting instead the following:

(v) The laundering or dry cleaning of any kind of tangible personal property, excluding coin-operated laundry, dry cleaning or car wash facilities, where a charge is made therefor;

SECTION 8. Tennessee Code Annotated, Section 67-6-204(b), is amended by deleting the first sentence and substituting instead the following language:

If the owner of the property maintains continuous supervision over the personal property being leased or rented, and furnishes an operator or crew to operate such property, the owner is rendering a service, and the same shall be subject to the sales tax levied pursuant to § 67-6-205(c)(1).

and by deleting the third sentence and substituting instead the following language:

If the owner of the property furnishes flight training, the owner is rendering a service, and the same shall be subject to the sales tax levied pursuant to § 67-6-205(c)(1).

SECTION 9. Tennessee Code Annotated, Section 67-6-205, is amended by inserting the following as a new subsection (c):

(c)(1) Notwithstanding any other provision of law to the contrary, except for Section 67-6-384, for the services listed in Section 67-6-102(24)(F)(x), a tax shall be levied at the rate of one percent (1%) of the retail sales price for such services.

(2) The tax imposed by this subsection is a state tax for state purposes only and no county or municipality or taxing district shall have power to levy any like tax.

SECTION 10. Tennessee Code Annotated, Section 67-6-206, is amended by deleting the section in its entirety.

SECTION 11. Tennessee Code Annotated, Section 67-6-207, is amended by deleting the section in its entirety.

SECTION 12. Tennessee Code Annotated, Section 67-6-209(a), is amended by placing a period after the words "deductions whatsoever" and by deleting the remainder of the sentence.

SECTION 13. Tennessee Code Annotated, Section 67-6-209(b), is amended by deleting the language "except where the title holder is a church, private nonprofit college or university and the tangible personal property is for church, private nonprofit college or university construction," and by deleting the last two sentences of the subsection in their entirety.

SECTION 14. Tennessee Code Annotated, Section 67-6-209, is further amended by deleting subsections (d), (e), (f) and (g) in their entirety.

SECTION 15. Tennessee Code Annotated, Section 67-6-216, is amended by deleting the section in its entirety.

SECTION 16. Tennessee Code Annotated, Section 67-6-217, is amended by deleting the section in its entirety.

SECTION 17. Tennessee Code Annotated, Section 67-6-218, is amended by deleting the section in its entirety.

SECTION 18. Tennessee Code Annotated, Section 67-6-219, is amended by deleting the section in its entirety.

SECTION 19. Tennessee Code Annotated, Section 67-6-221, is amended by deleting the section in its entirety.

SECTION 20. Tennessee Code Annotated, Section 67-6-224, is amended by deleting the section in its entirety.

SECTION 21. Tennessee Code Annotated, Section 67-6-225, is amended by deleting the section in its entirety.

SECTION 22. Tennessee Code Annotated, Section 67-6-226, is amended by inserting the punctuation "." immediately after the first occurrence of the language "offered for public consumption" and by deleting the remaining language in the section in its entirety.

SECTION 23. Tennessee Code Annotated, Title 67, Chapter 6, Part 2, is amended by adding the following as a new section:

Section ___. (a) Notwithstanding any other provision of law to the contrary, except for Section 67-6-384, there is levied a tax at the rate of one percent (1%) of the gross charge for each of the following types of goods or services:

(1) Seeds, seedlings, plants grown from seed and liners (cuttings) which will produce food or fiber (including tobacco) for human or animal consumption;

(2) Fertilizer to be used to aid in the growth and development of seeds, seedlings or plants as defined in subdivision (1);

(3) Pesticides which are sold for the purpose of aiding in the production of food or fiber (including tobacco) for human or animal consumption. As used in this section, "pesticide" means any substance or mixture of substances or chemicals intended for defoliating or desiccating plants or for preventing, destroying, repelling or mitigating any insects, rodents, fungi, bacteria or weeds, including, but not limited to, insecticides, fungicides, bactericides, herbicides, desiccants, defoliants, plant regulators and nematocides;

(4) Containers for farm products and plastic or canvas used in the care and raising of plants, seeds or seedlings, as defined in subdivision (1), and plastic or canvas used in covering feed bins, silos and other similar storage structures;

(5) Livestock and poultry feeds, livestock wormers, livestock medication and instruments used for the administration of such medications;

(6) Any natural or artificial substance used in the reproduction of livestock, including semen or embryos;

(7) Adjuvants and surfactants solutions sold exclusively for the purpose of mixture with insecticides, pesticides, fungicides or herbicides or for use as a soil conditioner when such is intended to aid in the growth and development of food or fiber (including tobacco) for human or animal consumption;

(8) Agri-sawdust;

(9) Caskets and burial vaults used in the burial of the dead, up to or not to exceed five hundred dollars (\$500);

(10) Periodicals printed entirely on newsprint or bond paper and regularly distributed twice monthly, or on a biweekly or more frequent basis;

(11) Fishing tournament registration fees collected from tournament participants;

(12) Taxidermy services; and

(13) Gas, electricity, fuel oil, coal and other energy fuels sold directly to the consumer for residential use. As used in this section, "sold directly to the consumer for residential use" includes the furnishing of gas, electricity, fuel oil, coal or other energy fuels to single private residences, including the separate private units of apartment houses and other multiple dwellings, actually used for residential purposes, which are separately metered or measured, regardless of the fact that a person other than the resident is contractually bound to the supplier for the charges, actually pays the charges or is billed for the charges. Use of electricity and other energy fuels in hotel or motel units by transient occupants does not constitute residential use.

(b) The tax imposed by this section is a state tax for state purposes only and no county or municipality or taxing district shall have power to levy any like tax.

SECTION 24. Tennessee Code Annotated, Section 67-6-509, is amended by deleting the section in its entirety.

SECTION 25. Tennessee Code Annotated, Section 67-4-2004, is amended by adding the following as appropriately designated items:

() "Disqualified person" has the meaning set forth in section 4946(a) of the internal revenue code;

() "Private foundation" has the meaning set forth in section 509(a) of the internal revenue code;

() "Professional person" means any of the following individuals who are licensed or registered under the applicable laws of this state or any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States or the applicable laws of any foreign country:

- (A) A lobbyist;
- (B) An investment advisor;
- (C) An accountant;
- (D) An architect;
- (E) An engineer;
- (F) A landscape architect;
- (G) A sports agent;
- (H) An audiologist;
- (I) A chiropractor;
- (J) A dentist;
- (K) An optometrist;
- (L) An osteopathic physician;
- (M) A pharmacist;
- (N) A physician;
- (O) A podiatrist;
- (P) A psychologist;
- (Q) A speech pathologist;
- (R) A veterinarian;
- (S) An attorney.

() "Professional service business" means any person or taxpayer that, as its primary business, offers any one or more of the services for which a professional person may be registered or licensed to offer;

() "Relative or family member" means, with respect to an individual, only:

(A) an ancestor of such individual;

(B) the spouse of such individual;

(C) a lineal descendent of such individual, of such individual's spouse, or of a parent of such individual; or

(D) the spouse of any lineal descendent described in subdivision (C).

For purposes of this subdivision, a legally adopted child of an individual shall be treated as the child of such individual by blood.

SECTION 26. Tennessee Code Annotated, Section 67-4-2004(16), is amended by deleting the language "but does not include sole proprietorships or general partnerships; and" and by inserting immediately after the word "thereunder" the language "; and shall also include any not-for-profit entity that is a professional service business, every natural person doing business as a sole proprietorship and every general partnership".

SECTION 27. Tennessee Code Annotated, Section 67-4-2005, is amended by deleting the language "and/or" and substituting instead the word "or".

SECTION 28. Tennessee Code Annotated, Section 67-4-2006(a), is amended by deleting the language "subsections (b) and (c)" wherever it appears and substituting instead the language "subsections (b), (c), (d) and (e)" and by deleting the language "subsections (b), (c) and (d)" and substituting instead the language "subsections (b), (c), (d) and (e)".

SECTION 29. Tennessee Code Annotated, Section 67-4-2006(a), is further amended by adding the following as new subdivisions:

(7) In the case of a not-for-profit which is a professional service business, "net earnings" is defined as an amount equal to the sum of compensation paid to any professional person employee that exceeds, for any one (1) professional person employee, one hundred thousand dollars (\$100,000) per tax year.

(8) In the case of a not-for-profit entity that is a private foundation, net earnings subject to the excise tax shall equal the sum of compensation paid to any disqualified person or persons that exceeds, for each such disqualified person, one hundred thousand dollars (\$100,000) per tax year.

SECTION 30. Tennessee Code Annotated, Section 67-4-2006(a)(4), is amended by deleting subdivision (B) in its entirety and substituting instead the following:

(B) The amount subject to self-employment taxes distributable or paid to each partner or member, but not in excess of one hundred thousand dollars (\$100,000) for any one partner or member, provided, however, this amount shall not create or increase any net loss; less

SECTION 31. Tennessee Code Annotated, Section 67-4-2006(a)(5), is amended by inserting the language "sole proprietorship or" immediately after the language "In the case of a".

SECTION 32. Tennessee Code Annotated, Section 67-4-2006(b)(1)(E), is amended by inserting after the language "pursuant to 26 U.S.C. § 1212(a)" and before the semicolon "; the language ", provided, however, in the case of a sole proprietorship, capital losses from property not used in the business shall not be considered for this purpose".

SECTION 33. Tennessee Code Annotated, Section 67-4-2006(b)(2)(E), is amended by inserting after the language "pursuant to 26 U.S.C. § 1211(a)" and before the semicolon "; the language ", provided, however, in the case of a sole proprietorship, capital losses from property not used in the business shall not be considered for this purpose".

SECTION 34. Tennessee Code Annotated, Section 67-4-2006, is further amended by deleting subsection (d) in its entirety and substituting instead the following subsections:

(d) Except in the case of a financial institution, an insurance company, or an insurance holding company, a taxpayer shall then add to its net earnings, determined in accordance with applicable subsections (a), (b) and (c) of this section, an amount equal to the sum of compensation that exceeds, for any one (1) individual, one hundred thousand dollars (\$100,000) per tax year that is paid either to: (1) any individual who owns more than a one percent (1%) interest in the taxpayer's stock, assets, profits (losses), or voting rights; or (2) a relative or family member of such owner.

(e) In addition, a professional service business shall then add to its net earnings determined in accordance with applicable subsections (a), (b), (c) and (d) of this section, an amount equal to the sum of compensation paid to any professional person employee that exceeds, for any one professional person employee, one hundred thousand dollars (\$100,000) per tax year.

(f) Any amount added under subsection (d) or (e) of this section shall not be reduced by any net loss or loss carryover computed under subsections (a), (b) or (c) of this section. Taxpayers doing business both within and without Tennessee so as to be entitled to apportionment shall apportion the compensation to be added under subsection (d) or (e) of this section using the appropriate apportionment formula provided in this part.

(g) The amount computed under subsections (a), (b), (c), (d) (e) and (f) shall be the taxpayer's net earnings for purposes of the Tennessee excise tax base to which the tax rate is applied as provided in Section 67-4-2007.

SECTION 35. Tennessee Code Annotated, Section 67-4-2007(a), is amended by deleting the period "." at the end of the first sentence and substituting instead the language "; provided, however, that any not-for-profit entity which is a professional service business shall be subject to the excise tax."

SECTION 36. Tennessee Code Annotated, Section 67-4-2012, is amended by inserting at the end of subsection (b) the following:

In the case of a sole proprietorship, property shall not include any property or portion thereof not actually used in the proprietorship's business.

SECTION 37. Tennessee Code Annotated, Section 67-4-2015, is amended by inserting at the end of subsection (a) the following:

All trades, businesses, farms and professions engaged in by a sole proprietor shall be included on a single return as one business.

SECTION 38. Tennessee Code Annotated, Section 67-4-2104(a), is amended by deleting the language "and/or" and substituting instead the word "or".

SECTION 39. Tennessee Code Annotated, Section 67-4-2105(a), is amended by deleting the period "." at the end of the first sentence and by substituting instead the following language:

; provided, however, that any not-for-profit entity that is a professional service business shall be subject to the franchise tax.

SECTION 40. Tennessee Code Annotated, Section 67-4-2108(a), is amended by adding at the end of the subdivision (1) the following:

In the case of a sole proprietorship, property owned or used shall include only the property, or portion thereof, actually used in the business of such proprietorship, and the personal residence and contiguous acreage of a sole proprietor, a partner, a member or shareholder of a closely held partnership, limited liability company, or corporation, shall not be considered property owned or used in the business of the entity. For purposes of this subsection, "closely held" shall mean an entity that has five (5) or fewer partners, members or shareholders.

SECTION 41. Tennessee Code Annotated, Section 67-6-202, is amended by deleting the language "six percent (6%)" in subsection (a) and by substituting instead the language "four percent (4%)".

SECTION 42. Tennessee Code Annotated, Section 67-6-202, is amended by deleting subsection (b) in its entirety.

SECTION 43. Tennessee Code Annotated, Section 67-6-203, is amended by deleting the language "six percent (6%)" in subsection (a) and by substituting instead the language "the tax levied on the sale of tangible personal property at retail by the provisions of § 67-6-202".

SECTION 44. Tennessee Code Annotated, Section 67-6-203, is amended by deleting subsection (c) in its entirety.

SECTION 45. Tennessee Code Annotated, Section 67-6-204, is amended by deleting the language "six percent (6%)" wherever it appears and substituting instead the language "the tax levied on the sale of tangible personal property at retail by the provisions of § 67-6-202".

SECTION 46. Tennessee Code Annotated, Section 67-6-204, is amended by deleting subsection (d) in its entirety.

SECTION 47. Tennessee Code Annotated, Section 67-6-205, is amended by deleting the language "six percent (6%)" in subsection (a) and by substituting instead the language "the tax levied on the sale of tangible personal property at retail by the provisions of § 67-6-202".

SECTION 48. Tennessee Code Annotated, Section 67-6-205, is amended by deleting subsection (b) in its entirety.

SECTION 49. Tennessee Code Annotated, Section 67-6-212(a), is amended by deleting the language "the rate of tax levied on the sale of tangible personal property at retail by the provisions of § 67-6-202" and substituting instead "six percent (6%)".

SECTION 50. Tennessee Code Annotated, Section 67-6-216(a), is amended by deleting the words, numbers, punctuation and symbols, "state tax equal to one half (1/2) the rate of tax provided for in § 67-6-202" as they appear in subsection (a) and substituting instead the language "a state tax equal to three percent (3%)".

SECTION 51. Tennessee Code Annotated, Section 67-6-221, is amended by deleting the first sentence of subsection (b).

SECTION 52. Tennessee Code Annotated, Section 67-6-103(c), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Notwithstanding any other provision of law or this act to the contrary, the portion of the sales and use tax revenue dedicated to education, grades k-12, pursuant to the provisions of Chapter 529 of the Public Acts of 1992 and § 67-6-224(b), shall continue to be earmarked for such purposes as provided in § 49-3-357 and deposited in the education trust fund of 1992.

SECTION 53. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 54. The provisions of this act shall apply to tax years beginning on or after July 1, 2000, and shall take effect July 1, 2000, the public welfare requiring it.

Rep. Rhinehart moved that Amendment No. 7 be tabled, which motion prevailed by the following vote:

Ayes	43
Noes	42

Representatives voting aye were: Armstrong, Baird, Bone, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davidson, Davis (Washington), DeBerry L., Eckles, Ferguson, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Head, Kent, Kernell, Langster, Miller, Mumpower, Phelan, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Todd, Towns, Walley, West, Westmoreland, Mr. Speaker Naifeh -- 43.

Representatives voting no were: Arriola, Beavers, Bittle, Black, Boyer, Briley, Brooks, Brown, Buck, Curtiss, Dunn, Ford, Fowlkes, Hood, Jackson, Jones S., Jones U., Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McKee, Montgomery, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Turner (Hamilton), Turner (Shelby), White, Windle, Wood -- 42.

Rep. Stulce moved that House Bill No. 1965 be held on the Clerk's desk, which motion prevailed.

RULES SUSPENDED

Rep. Head moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 859 out of order, which motion prevailed.

***House Joint Resolution No. 859** -- Constitutional Amendments - Prohibits general assembly from taxing first \$100,000 of income per annum of individual or first \$200,000 per annum of married couple unless general assembly within same annual session also reduces state sales tax in amount at least sufficient to offset amount of revenue generated by levy of such tax. by *Brown, *Head, *Brooks.

Rep. Head requested that the Clerk read House Joint Resolution No. 859 for the first Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 859.

Rep. Head moved that House Joint Resolution No. 859 be reset for the Regular Calendar on June 13, 2000, for second reading, which motion prevailed.

RULES SUSPENDED

Rep. Sharp moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 857 out of order.

***House Joint Resolution No. 857** -- Constitutional Amendments - Proposes an amendment to Article II, Section 28, to specifically prohibit all personal income taxes other than the Hall Income tax. by *Sharp, *McKee.

RECESS MOTION

Rep. McAfee moved that the House stand in recess until 1:00 p.m., Tuesday, June 13, 2000, which motion prevailed.